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100TH CONGRESS
2d Session

SENATE

REPORT
100-557

LOWER MISSISSIPPI DELTA DEVELOPMENT ACT

SEPTEMBER 28 (legislative day, SEPTEMBER 26), 1988.—Ordered to be printed

Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 2246]

The Committee on Environment and Public Works, to which was referred the bill (S. 2246) to establish the Lower Mississippi Delta Development Commission, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE

S. 2246 establishes the Lower Mississippi Delta Development Commission to study the economic development needs of the Lower Mississippi River Delta Region. This region includes areas that are within a reasonable proximity to the Mississippi River in the States of Arkansas, southern Illinois, western Kentucky, Louisiana, Mississippi, southeastern Missouri, and western Tennessee.

According to a recent Congressional Research Service study dated February 29, 1988, entitled "The Economic Health of the Lower Mississippi River Valley," The States of the lower Mississippi River valley region have a higher precentage of families, households and individuals in poverty than any other section of the United States, despite major efforts to alleviate poverty."

S. 2246 represents an initial attempt to alleviate the problems of the Mississippi Delta by bringing together local, state, and federal governments and the private sector to seek appropriate solutions to the poverty of the area. The bill would establish a Lower Mississippi Delta Commission, which would be required to identify and study the problems of the Region and to prepare a 10-year plan that recommends ways to promote economic development in the Region. The Commission intends that the Commission's report

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shall form the basis for programs and policies adopted by all levels of government directed at the development of the Lower Mississippi Delta Region.

Background and General Statement

The Lower Mississippi Delta Region follows the course of the Mississippi River and stretches from southern Illinois to the delta of the Mississippi River in the Gulf of Mexico. The 187 counties in the seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana) that make up the region are the home of more than 11 million Americans.

The lower Mississippi River valley is the poorest, most underdeveloped region in the United States, ranking lowest by almost every economic and social indicator. According to the report of the Congessional Research Service, only three counties in the region are not well below the national average in terms of measurable poverty, that is, the number of poor counties, per capita income, and unemployment.

Tunica County, Mississippi, for example, is the poorest county in the nation. Almost 53 percent of its citizens live below the national poverty level. The per capita income is $6,643, 43 percent below the national average. In Lee County, Arkansas, 44.3 percent of the population lives in poverty, with a per capita income of just $6,542. In Madison Parish, Louisiana, 42.7 percent of the population lives below the national poverty level; in Lake County, Tennessee, the comparable figure is 31.3 percent. Similar statistics abound throughout the region.

The poverty in the region is reflected in the statistics for education and health. Since 1900, Louisiana and Mississippi have consistently ranked first and second in illiteracy and Arkansas has ranked in the top ten. Louisiana, Mississippi, Tennessee, and Kentucky are all among the worst States in terms of public school dropout rates, in excess of 30 percent. Five States in the region spend less than $2,700 annually per pupil in public schools. Arkansas ranks 45th, Tennessee 46th, Kentucky 48th, and Mississippi ranks last.

With respect to health, Mississippi and Arkansas ranked first and second in teen pregnancy rates in 1985. Louisiana, Mississippi, and Arkansas ranked in the highest one-fifth of all States in their infant mortality rates, with rates far in excess of the national average of 10.6 deaths per 1,000 live births.

This data clearly highlights the hardships faced by the people who inhabit the lower Mississippi Delta region. The Commission established by S. 2246 will be reqùired to identify and study the specific problems of the region that perpetuate these hardships and prepare a 10-year plan with recommendations to address the problems of the area.

Although S. 2246 does not give the Commission authority to implement its recommendations, it is the intent of the Committee that state, local and federal governments will rely principally on the Commission's report when developing legislative and executive initiatives that address the problems identified by the Commission.

Summary of Major Provisions

The bill as reported establishes the Lower Mississippi Delta Development Commission to study the economic development problems of the lower Mississippi River Delta. The Commission is to be composed of nine members, one member appointed by the Governor of each State and two members to be appointed by the President.

The Commission is to remain in effect for 2 years from the date of the first meeting of the Commission. An interim report of the Commission's activities is required within 1 year after the first meeting of the Commission and a final report is expected within 18 months after the first Commission meeting. The Commission is to remain organized for an additional 6 months after the final report is issued in order to answer questions or to conduct studies.

Section 6 outlines the specific duties of the Commission. The Commission is directed to identify and study the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi region and develop a 10-year plan that recommends and establishes priorities to alleviate the needs identified by the Commission. The Commission is directed to study specific problems that are enumerated in this section. In addition, the Commission may study and report on other issues it determines are relevant to economic development.

Section 10 requires the Commission to file a report that makes recommendations on how to address 10 problems enumerated in the section. The Commission may also make recommendations on any other issues it finds are important to future economic development of the area.

Section-by-Section Analysis

SECTION 1. SHORT TITLE

This section provides that this legislation may be cited as the "Lower Mississippi Delta Development Act."

SECTION 2. FINDINGS

The Congress finds that the lower Mississippi River Valley region lags behind the rest of the country in economic growth and prosperity and also suffers from more poverty and higher unemployment than any other region.

The Congress also finds that the solutions to the long-term economic development problems of the region depend upon a combined effort and long-term commitment of Federal, State and local governments. No single level of government can address the complex problems of the Region. Moreover, to the greatest extent possible, the governments should rely on the expertise and suggestions of the private sector, citizens of the area, and any organizations committed to the development of the area.

Economic revitalization and long-term economic growth of the region is dependent upon the ability of the region to sustain itself through expansion of employment and business opportunities.

Small businesses expansion in the region offers the greatest hope for economic growth and revitalization of the region.

The Congress finds that to attract small businesses and other investment into the area, the region needs to be developed in such a way to create a favorable business environment. This approach to development of the area must be comprehensive and include: increasing investment capital availability, developing infrastructure, providing adequate educational opportunities and health care services, ensuring the availability of adequate housing and recreational activities, and maximizing resource development in the area.

Transportation needs including highway and bridge construction, air service availability, and river transport development must also be addressed.

SECTION 3. PURPOSE

This section defines the purpose of this Act: to establish a Commission to study the economic needs and economic development of the region and make recommendations on how to alleviate those needs. The Committee intends that the phrase "economic needs and economic development" be interpreted in a comprehensive manner. The Commission is not to focus all of its efforts on business development, but must also look at ways to create a favorable business environment and to improve the quality of life for the region's inhabitants including studying and making recommendations that address education, health, transportation, and housing needs.

SECTION 4. DEFINITIONS

This section defines the terms "Commission" and "Lower Mississippi", delineating the counties to be included in the Lower Mississippi Delta Development Commission at this time. The inclusion of additional counties in the future is not precluded.

SECTION 5. ESTABLISHMENT

This section authorizes the establishment of the nine member Lower Mississippi Delta Development Commission. The Governor of each State in the region, Arkansas, Illinois, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee is required to appoint a Commission member. The President is required to appoint two members.

The Committee intends that the Governors shall coordinate their appointments in order that there be a diversity of expertise represented on the Commission. For example, one State may wish to appoint a Commission member with expertise in public health while another may wish to appoint a member with expertise in natural resource development. In addition, each appointee shall rely, to the extent practicable, on the expertise of State agencies.

The President shall appoint two Commission members. The Committee intends the States to be primarily responsible for developing the Commission's report and recommendations. However, many Federal agencies have expertise which would be valuable in treating the problems of the Lower Mississippi River Delta Region, including the Corps of Engineers, the Small Business Administration,

the U.S. Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health and Human Services. Rather than selecting from among these agencies, the Committee authorizes the President to appoint two representatives who do not have to be Federal employees. However, the Committee intends that the Presidential appointees have experience in economic development and they rely extensively on the expertise of all Federal agencies.

Section 5(c) provides that each appointee, State or Presidential, shall serve at the pleasure of the appointing officer. Commission members are not appointed for the life of the Commission and may be terminated if the officer who appoints them is no longer in office. Thus, if an administration changes, the new administration will have the authority to either retain the former Administration's appointee or appoint a new member.

Section 5(d) provides that for purposes of conducting business, such as approving the interim or final report required by section 10 or for purposes of selecting a chairman, a quorum of five Commission members is required. The Commission may establish a lesser quorum for purposes of conducting meetings, holding hearings, and discussion forums or other similar activities relating to the development of the report required by section 10.

Section 5(e) requires that four or more of the State-appointed members shall determine the date, time, and place of the first meeting and shall call the first meeting. The first meeting must be held within 60 days after the enactment of this legislation. The Committee intends that the first meeting be centrally located. The first order of business at the meeting shall be to appoint a chairman. The Chairman must be selected from among the State appointees. The quorum required for selecting a Chairman is five members of the Commission pursuant to section 5(d).

The Commission shall conduct additional meetings as it feels are appropriate and shall decide how the meetings shall be called. Each meeting location should be easily and economically accessible by all members of the commission.

Section 5(h) requires that the Commission establish a headquarters for purposes of receiving mail and having an address where interested parties can provide the Commission with comments, studies, and recommendations that pertain to the Commission's work.

SECTON 6: DUTIES OF THE COMMISSION

This section outlines the duties of the Commission. Section 6(a) directs the Commission to identify and study the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta region. Each of the listed needs are to receive equal consideration in the identification and study process.

The Commission is to use the information it gathers to develop a 10-year plan that makes recommendations on actions that should be taken to alleviate the problems of the area. The Committee intends that the 10-year plan form the basis for any actions taken by the Federal, State and local governments to address the problems in the region. The Commission is directed to establish priorities

from among the recommended actions to help guide an orderly economic development course for the region.

Section 6(b) directs the Commission to study and report on ten enumerated issues. In addition, section 6(b)(12) gives the Commission discretion to study other issues the Commission feels are relevant to economic development. Although most of the specified items in Section 6 address economic development needs, the Committee intends that all of the needs identified by section 6(a) receive equal consideration in the study process. In studying and reporting on the issues, the Commission is required by section 6(b)(1) to conduct studies, investigations and field hearings. The Committee intends that the Commission actively encourage and solicit public participation in the study process.

Sections 6(b) (3) and (6) require the Commission to compare issues in the Delta Region with those nationwide. The Committee intends that the Commission focus its resources primarily on developing local data. The Commission is not to conduct nationwide data gathering activities. Rather, the Commission is to rely on existing data and resources when making such comparisons.

Section 6(c) requires the Commission to utilize citizens, special advisory councils, and hold public hearings and conferences. The Commission is to hold at least one hearing in each State in the region. Hearings and discussion forums should be well publicized in order to encourage the highest possible level of public participation.

SECTION 7. COMPENSATION OF THE COMMISSION

This section provides the manner of compensation for the Commission members. The Governors are not required to compensate their appointees but are not precluded from doing so. Members appointed by the President shall not receive additional compensation for their Commission activities if they are already employees of the Federal Government. If the Presidential appointees are not Federal employees they will be compensated at a rate no higher than a level GS–13 and service employee. All members of the Commission, State and Federal," will be reimbursed by the Federal Government from sums appropriated under section 12 for travel and subsistence costs accrued during the performance of their duties on the Commission.

SECTION 8. POWERS AND ADMINISTRATIVE PROVISIONS

Section 8 authorizes the Commission to obtain services, enter agreements and contracts, procure supplies, hold hearings, and such other activities which may be necessary to carry out its mandate.

SECTION 9. ADDITIONAL POWERS

This section provides for Commission consultation with the Chief Counsel for Advocacy of the Small Business Administration. The Chief Counsel for Advocacy is directed to provide the Commission with advice and views, and to provide information from the Small Business Data Base, and may conduct research and prepare reports at the request of the Chairman.

SECTION 10. REPORTS

The Commission is required to submit an interim report on its findings and activities within twelve months after the first Commission meeting. The interim report is to be submitted to the Governors, the President, and to the Speaker of the House and the President pro tempore of the Senate. The Speaker and President pro-tempore are to submit copies of the report to the appropriate committees of the House and the Senate, including the Senate Committee on Environment and Public Works.

Within 18 months after the date of the first Commission meeting, the Commission is to file a final report. The final report is to contain recommendations on the items specified in section 10. In addition, the Commission may make recommendations on other issues it believes are relevant to the economic development of the region. Recommendations should discuss the proper role of the State, Federal and local governments in alleviating the problems of the area. In addition, the Commission should consider the proper role of the private sector and make recommendations accordingly.

SECTION 11. LIFE OF THE COMMISSION

This section provides that the total term of the Commission will be no longer than two years. The Commission is required to remain in effect for six months after the date the final report is submitted.

SECTION 12. AUTHORIZATION OF APPROPRIATIONS

This section authorizes $2 million for fiscal year 1989 and $1 million for fiscal year 1990 to fund the activities of the Commission.

SECTION 13. COST SHARING

This section requires the States to share the costs of the Commission's activities. The total contribution by the States is to equal 30 percent of the total amount of funds expended each year by the Commission.

HEARINGS

The Committees on Environment and Public Works and Small Business held a joint hearing on S. 2246 on June 28, 1988.

ROLLCALL VOTES DURING COMMITTEE CONSIDERATION

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes be announced in reports accompanying legislation. During the committee's consideration of this measure, one rollcall vote was taken. Senator John Chafee proposed an amendment requiring a 30 percent cost sharing contribution by the Mississippi Delta States, which was adopted by a vote of eight to seven. Senators Baucus, Chafee, Durenberger, Pressler, Simpson, Stafford, Symms, and Warner voted in the affirmative, and Senators Breaux, Graham, Lautenberg, Mikulski, Moynihan, Reid, and Burdick voted in the negative. S. 2246 as amended was ordered reported by a voice vote.

COST OF LEGISLATION

Section 402 of the Congressional Budget and Impoundment Control Act requires that an estimate of the cost of each bill as reported be prepared by the Congressional Budget Office. That estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 9, 1988.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2246, the Lower Mississippi Delta Development Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: S. 224.
2. Bill Title: Lower Mississippi Delta Development Act.
3. Bill Status: As ordered reported by the Senate Committee on Environment and Public Works, August 10, 1988.
4. Bill Purpose: This bill would establish the Lower Mississippi Delta Commission to study and make recommendations regarding the economic development and needs of the Lower Mississippi Delta. The commission would be required to develop a ten-year plan for the region, and to prepare and submit to the Congress an interim report within 12 months and a final report within 18 months after the first commission meeting. The commission would cease to exist 180 days after it submits its final report. The bill authorizes the appropriation of $2 million in 1989 and $1 million in 1990 to carry out this legislation, and requires the states which are represented on the commission to contribute an annual amount totaling 30 percent of the federal outlays in that year.
5. Estimated cost to the Federal Government:

[by fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Authorization Level	2.0	1.0	—	—	—
Estimated Outlays	1.6	1.2	0.2	—	—

The costs of this bill would fall within budget function 450.

Basis of estimate: This estimate assumes that the amounts authorized in the bill are appropriated. Estimated outlays are based on historical experience in similar temporary study commissions.

6. Estimated cost to State and local governments: The contributions required from the states represented on the commission (Ar-

kansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee) are estimated to total $480,000 in 1989, $360,000 in 1990, and $60,000 in 1991. In addition, the bill permits, but does not require, each of the seven commission members appointed by a governor to be compensated by the state.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carol Cohen.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Evaluation of Regulatory Impact

In compliance with section 11(b)(1) of the rule XXVI of the Standing Rules of the Senate, the Committee has evaluated the regulatory impact of the bill. The Committee believes that this legislation will cause no significant change in regulatory activity by the Federal Government, or by private business.

Change in Existing Law

Section 12 of rule XXVI of the Standing Rules of the Senate requires publication of any changes made in existing law by the reported bill. This bill makes no changes to existing law.

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100TH CONGRESS
2d Session

SENATE

REPORT
100-558

REAUTHORIZATION OF THE ATLANTIC STRIPED BASS CONSERVATION ACT

SEPTEMBER 28 (legislative day, SEPTEMBER 26), 1988.—Ordered to be printed

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Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 2384]

The Committee on Environment and Public Works, to which was referred the bill (S. 2384) to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

GENERAL STATEMENT

This legislation authorizes, through fiscal year 1991, the appropriation of such sums as may be necessary to carry out the Atlantic Striped Bass Conservation Act and the appropriation of funds to continue the Emergency Striped Bass Research Study at the current authorization level of $1 million annually. It also extends, through fiscal year 1991, the authority of the Secretaries of Interior and Commerce to impose a moratorium on striped bass fishing in the coastal waters of any state that the Atlantic States Marine Fisheries Commission determines is not complying with or enforcing the provisions of the Commission's interstate striped bass management plan.

PURPOSE AND BACKGROUND

During the 1980's, concerns grew about the status of the striped bass because landings declined precipitously and production of juvenile fish in the Chesapeake Bay was consistently poor.

The first response by Congress to these concerns was establishment of the Emergency Striped Bass Research Study in 1979 as an amendment to the Anadromous Fish Conservation Act. This legis-

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lation directs the Departments of the Interior and Commerce to conduct research to determine the status of striped bass stocks and to discover the causes of the decline in production. The present authorization for appropriations to fund the Emergency Striped Bass Research Study expires at the end of fiscal year 1988.

In 1981 the Atlantic States Marine Fisheries Commission adopted an Interstate Fisheries Management Plan for the Striped Bass (Plan) to provide for effective regional management of the species. The Commission consists of representatives from the fisheries agencies of 15 States from Maine to Florida. Twelve of these States, the District of Columbia, and the Potomac River Fisheries Commission are involved in management of striped bass, from Maine to North Carolina, including Pennsylvania.

The Commission amended the 1981 Plan in December 1983 by the addition of a provision calling for a 55 percent reduction in mortality due to fishing. In October 1985, Amendment Number 3 was added to the Plan to reduce further fishing mortality on fish produced in the Chesapeake Bay in 1982 and subsequent years. The new provision of the Plan sought to protect 95 percent of these females from fishing mortality until 95 percent could spawn at least once. To achieve this objective the Commission's State representatives agreed that, beginning in August 1987, the States should prohibit taking striped bass less than 33 inches in length.

The Commission, however, has no means of ensuring that each State individually carries out and enforces the size limit and other requirements of the Plan that was developed by the States.

The Atlantic Striped Bass Conservation Act was enacted in 1984 and amended in 1986. Under the Act, as amended, Atlantic Coast States from North Carolina to Maine, the District of Columbia, and the Potomac River Fisheries Commission are required to adopt and enforce the restrictions on striped bass fishing that are called for by the Fisheries Management Plan for the Striped Bass. In 1985, the States of Maryland and Delaware went much further than the Plan required and imposed moratoria on striped bass fishing.

The Act requires the Commission to annually decide whether each State has complied with the plan's requirements and to monitor enforcement of the plan to ensure that it is satisfactory. If the Commission decides that a State has not complied with the Plan or has not enforced it adequately, then the Secretaries of Commerce and the Interior may impose a moratorium on striped bass fishing in the coastal waters of that State. A moratorium may be lifted by the Commission after it has determined that appropriate remedial action has been taken by the State and the Secretaries has been notified.

No moratorium has ever had to be imposed in a State by the Federal agencies under the Act since the authority was first provided in 1984 and later extended in 1986. The authority under the Act for the Secretaries of Commerce and Interior to impose a moratorium, after a finding of non-compliance by the Commission, expires September 30, 1988.

A report transmitted to Congress in July 1987, by the Interior and Commerce Departments under the Emergency Striped Bass Research Study, concluded that production of juvenile striped bass remains low but conservation measures appear to be maintaining

high numbers of those fish that were produced in 1982 and subsequent years.

However, research scientists for the U.S. Fish and Wildlife Service and National Marine Fisheries Service have demonstrated that the relative increased abundance occurring in these fish would be eroded within five years by a return to the levels of recreational and commercial fishing that existed during the 1970's.

This legislation will assure that we continue to restore striped bass stocks through the proven and effective combination of Federal, State and interstate efforts under the Atlantic Striped Bass Conservation Act and the Emergency Striped Bass Research Study.

Unfortunately, these efforts have not made a major contribution to the protection and restoration of some striped bass. For instance, little Federal or interstate action has been directed toward the Albemarle Sound-Roanoke River Basin stock of striped bass. This stock has been declining for some time and may soon reach a level where recovery will be exceptionally difficult. The causes of the decline are not well understood, but may include fishing mortality, habitat alteration brought about by water withdrawals, discharges and flows, or some combination of these and other factors.

In order to prevent any further decline in this important resource and to restore the population to its previous abundance, it is necessary to better understand the factors that may threaten its future. Therefore, this bill includes a requirement that the U.S. Fish and Wildlife Service, in consultation with the National Marine Fisheries service, conduct a study of the striped bass resource and habitats in the Albemarle Sound—Roanoke River Basin area and develop short and long term recommendations for restoring and conserving this valuable resource and the habitats upon which it depends.

There also are currently no Federal or regional efforts directed toward regulation of striped bass fishing in the exclusive economic zone of the United States. As currently written, the Atlantic Striped Bass Conservation Act applies only to the coastal waters of a State, which are defined as the territorial sea of the U.S. This loophole in coastal conservation measures has made it particularly difficult for the State of Maryland to enforce its regulations on striped bass fishing. Consequently, provisions are included in this legislation to require the Secretary of Commerce to promulgate fishing regulations for striped bass in the exclusive economic zone (3 miles to 200 miles offshore) when State regulations or a Federal moratorium are in effect. These regulations could be superseded if the Secretary approves and implements a fishery management plan prepared by the Regional Councils under the Magnuson Fishery Conservation and Management Act.

Section-by-Section Analysis

SECTION 1. AUTHORIZATION OF APPROPRIATIONS

Section 1 of S. 2384 amends section 7 of the Atlantic Striped Bass Conservation Act to authorize appropriations to carry out the Act during fiscal years 1988, 1989, 1990 and 1991. Appropriations have averaged approximately $2 million annually. The present authorization expires at the end of fiscal year 1988.

SECTION 2. EFFECTIVE PERIOD

This section of the bill amends section 9 of the Atlantic Striped Bass Conservation Act, which requires that sections 1 through 8 of the Act shall cease to have force and effect after September 30, 1988. The amendment extends until September 30, 1991, the effective period of the Act and, therefore, the authority for the Secretaries of Interior and Commerce to impose a moratorium on striped bass fishing in the coastal waters of any State that the Atlantic States Marine Fisheries Commission determines is not complying with or enforcing the provisions of the interstate striped bass management plan.

SECTION 3. FUNDING OF STRIPED BASS STUDIES

Section 3 of S. 2384 amends section 7(d) of the Anadromous Fish Conservation Act to extend authorization for funding of the Emergency Striped Bass Research Study through fiscal year 1991. The present authorization expires at the end of fiscal year 1988. Continuation of this study will allow additional research to monitor reproduction, stock size, the relative contributions of various stocks to the total stock, and the effects of fishing pressure, acid precipitation, and other factors on the size of the various stocks.

No funds appropriated pursuant to this provision for the Emergency Striped Bass Research Study may be used to carry out the study of striped bass in Albemarle Sound and the Roanoke River Basin under section 5 of this bill.

SECTION 4. COMMISSION FUNCTIONS

Section 4 of the bill would clarify section 4(a)(1) of the Atlantic Striped Bass Conservation Act. Under that provision of the Act, the Atlantic States Marine Fisheries Commission is required to determine and notify the Secretaries of Commerce and the Interior in December of each year concerning State compliance with and enforcement of the interstate Management Plan for the Striped Bass. The State of New Jersey is reported to have questioned whether the Commission may, under the Act, make such determinations and provide such notifications to the Secretaries at any time other than December of each year.

Section 4(a)(1) of the Act establishes a minimum level of action required by the Commission and does not proscribe on-going efforts by the Commission to determine whether a State is complying with and enforcing its Plan or to notify the Secretaries at any time if it determines that a State's compliance or enforcement is unsatisfactory. The amendment made by this section of the bill would clarify beyond any question that such determinations and notifications by the Commission are not limited to December, but can be made by the Commission at any time it deems necessary.

SECTION 5. STUDY OF STRIPED BASS IN ALBEMARLE SOUND AND ROANOKE RIVER BASIN

Section 5 of the bill would require the U.S. Fish and Wildlife Service and National Marine Fisheries Service to conduct a biological study of the striped bass stocks and their habitat in North

Carolina's Albemarle Sound and Roanoke River basin. These stocks have been declining for some time and are severely depressed at present. The study would include an investigation and analysis of the factors that may be responsible for the decline of this fishery. The study and recommendations for conserving and restoring the fishery would be required to be submitted to Congress within 36 months after enactment. The amendment would authorize appropriations of $1 million to carry out the study and provide recommendations. Due to the seriousness and immediacy of the threat to the Albemarle Sound—Roanoke River Basin striped bass population, the agencies involved should strive to complete the study as soon as practicable and, from time to time, to submit to the Committee reports on the status of the study.

Subsection (a) provides findings by the Congress with respect to the status and possible reasons for the decline of the Albemarle Sound—Roanoke River stock of striped bass. Because the combination of causes responsible for this decline are not yet fully understood, and because investigations of the Albemarle Sound—Roanoke River stock do not fall within the scope of the Emergency Striped Bass Study, subsection (a) calls for a study to be undertaken to identify the causes of this decline and to recommend a course of action to restore these important stocks of striped bass.

Subsection (b) of section 5 requires the Director of the U.S. Fish and Wildlife Service, in consultation with the Assistant Administrator of the National Oceanic and Atmospheric Administration for Fisheries, to undertake a biological study of the Albemarle Sound—Roanoke River Basin Area fishing resources and habitats and develop recommendations for Congress and the States of North Carolina and Virginia for restoring and conserving these resources and habitats. The study and recommendations are to be completed as soon as practicable, but not later than 36 months following enactment of this legislation.

The study is to describe the Albemarle Sound—Roanoke River Basin area, and investigate and analyze the way in which the following factors may affect the striped bass species: the effect of land and water use practices; abundance, age distribution, geographical distribution, and amount and location of migration and spawning habitat of these striped bass; factors that may affect the striped bass including the magnitude and causes of mortality at all stages of their life cycle; the combined effects of pollution and other alterations of the physical environment; the status and effectiveness of current striped bass management measures; and whether management would be improved by including these stocks under the Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Plan for Striped Bass.

Subsection (c) requires that the Directors of the North Carolina Division of Marine Fisheries and Wildlife Resources Commission, the Secretary of the Virginia Department of Natural Resources, and the District Engineer of the U.S. Army Corps of Engineers for the Wilmington District be invited to participate in the study and the development of recommendations. A memorandum of understanding should be executed setting forth the respective responsibilities of any participating agencies.

Subsection (d) requires consultation with the Atlantic States Marine Fisheries Commission, other federal agencies as appropriate, the Albemarle-Pimlico Estuarine Study, Dominion Resources/ Virginia Power/North Carolina Power, affected local governments in North Carolina and Virginia, appropriate commercial and recreational fishing interests and other interests.

Subsection (e) authorizes $1 million to be appropriated to carry out the requirements of this section, to remain available until expended.

Subsection (f) clarifies that nothing in section 5 of this bill is to be construed as authorizing any State to manage fisheries within the jurisdiction of another state. The rights of a state to manage fisheries that are solely within its jurisdiction are maintained.

SECTION 6. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE

Section 6 of the bill amends the Magnuson Fishery Conservation and Management Act by adding a new section (407) to that Act concerning regulation of fishing for striped bass in the exclusive economic zone (EEZ).

Subsection (a) of new section 407 of the Magnuson Act directs the Secretary of Commerce to develop regulations governing fishing for Atlantic striped bass in federal waters whenever State regulations or a Federal moratorium on such fishing in the coastal waters of a coastal state, pursuant to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the Striped Bass, are in effect. The regulations promulgated by the Secretary are required (1) to be consistent with the national standards, (2) to ensure the effectiveness of such State regulations or such Federal moratorium, and (3) to achieve Atlantic striped bass conservation and management goals.

Subsection (b) of new section 407 of the Magnuson Act directs the Secretary of Commerce to consult with the Atlantic States Marine Fisheries Commission, the Regional Fisheries Management Councils, and the appropriate Federal, State, and local government entities while preparing regulations on striped bass in the EEZ. The Secretary is directed further to review and amend regulations periodically to ensure that they are consistent with the requirements of subsection (a).

New section 407(c) of the Magnuson Act assures that, in developing regulations for Atlantic striped bass fishing, the Secretary of Commerce does not supersede the authority of the Fisheries Management Councils to develop a fishery management plan. It also directs that any such plan prepared by Council action shall ensure the effectiveness of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the Striped Bass and meet the requirements of the Magnuson Fishery Conservation and Management Act.

Subsection (d) terminates the provisions of new Section 407 at the end of fiscal year 1991, on September 30, 1991.

SECTION 7. DEFINITIONS

Section 7 amends paragraph (1) of section 3 of the Atlantic Sriped Bass Conservation Act to define "Magnuson Act" as the Magnuson Fishery Conservation and Management Act, and amends section 5 of that Act to replace all references to the "Act of 1976" with the term "Magnuson Act".

SECTION 8. AMENDMENTS TO THE ATLANTIC TUNAS CONVENTION ACT

Section 8 makes technical and conforming amendments to the Atlantic Tunas Convention Act of 1975. It replaces all references in that Act to the "Act of 1976" with the term "Magnuson Act". It also defines the "exclusive economic zone" to conform with section 3(6) of the Magnuson Act.

HEARINGS

The Subcommittee on Environmental Protection of the Committee on Environmental and Public Works held a hearing in Washington, D.C., on May 25, 1988.

Testimony was received from representatives of the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Atlantic States Marine Fisheries Commission, the State of Maryland, the Sport Fishing Institute, and Stripers Unlimited, Inc.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environmental and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

The bill was ordered reported on September 23, 1988, by unanimous consent voice vote.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires each bill to contain a statement of the cost of such bill prepared by the Congressional Budget Office. That report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1988.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environmental and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2384, a bill to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2384.

2. Bill title: A bill to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, September 23, 1988.

4. Bill purpose: S. 2384 would amend Public Law 98–613, the Atlantic Striped Bass Conservation Act and would authorize funding for programs under the act for fiscal years 1989 through 1991. Section 3 of the bill would reauthorize Section 7 of the Anadromous Fish Conservation Act at its current annual level of $1 million through fiscal year 1991. Additional appropriations of $1 million would be authorized for a study of the Albemarle Sound and Roanoke River Basin.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated authorization level	3	2	2		
Estimated outlays	3	2	2		

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, it is assumed that S. 2384 will be enacted early in fiscal year 1989 and that all sums authorized will be appropriated for each fiscal year. Based on information from the Department of Commerce and the Department of the Interior, CBO estimates that about $1 million annually would be required to carry out the Atlantic Striped Bass Conservation Act, including the comprehensive annual surveys required by the act and the new regulatory activities required under Section 6 of the bill.

No sums are included in the estimate for the Atlantic States Marine Fisheries Commission, whose activities are funded by its member states. In addition, no amounts have been included in the above table for any potential federal enforcement activities under Section 5 of the act, relating to the declaration of a federal moratorium of striped bass fishing. There is no basis for predicting whether the federal government would make such a declaration. In the event that the provisions of Section 5 are invoked, additional federal costs may be incurred, but these cannot be estimated at this time.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 7, 1988, the Congressional Budget Office prepared a cost estimate for H.R. 4124, a similar bill ordered reported by the House Committee on Merchant Marine and Fisheries. S. 2384 is estimated to cost more than H.R. 4124 over the 1989–1991 period, as a result of the provisions in Sections 5 and 6 of the Senate bill.

9. Estimate prepared by: Deborah Reis.
10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact

Section 11(b) of rule XXVI of the Standing Rules of the Senate require the Committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any significant new regulatory burden.

Changes in Existing Law

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

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